IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 2118 of 1999

Between:

1. Reddy Raju, S/o. Veera Swamy, aged 43 years,
   R/o. Medarapeta, Rajahmundry.

2. Reddy Radhakrishna, S/o. Veera Swamy, aged 39 years,
   R/o. Medarapeta, Rajahmundry.

.....
PETITIONERS

AND

1. The District Superintendent of Police, Kakinada,
   East Godavari District.

2. The Deputy Superintendent of Police,
   Rajahmundry, East Godavari District.

3. The Sub-Inspector of Police, I Town P.S. Law & Order,
   Rajahmundry, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Order or Direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent police in harassing the petitioners and detaining them in the Police Station as illegal, arbitrary and in violation of the freedom of movement and personal liberty guaranteed under Art. 19(1)(d) and 21 of the Constitution of India and consequently direct the respondents not to harass the petitioners by calling them to the 3rd respondent police

station and also declaring the proposed action of the respondents to name the petitioners as rowdy sheeters as it would be contrary to law.

For the Petitioners : MR.K.VENKATESH, Advocate

Counsel for the Respondents : GP FOR HOME

The Court Made the Following :

ORDER:

The petitioners invoked the extraordinary jurisdiction of this Court complaining harassment by the Police in calling the petitioners to the Police Station and detaining them in the Station, which is in violation of rights guaranteed for the petitioners under Article 19(1)(d) and 21 of the Constitution of India.

The Sub-Inspector of Police, I-Town Police Station Law and Order, Rajahmundry filed a counter affidavit stating that the petitioners are indulging in criminal activities, thereby causing breach of peace and tranquility in the locality. Due to the fear, people in the locality are not coming forward to give complaint against the petitioners. While both the petitioners were involved in Crime No.127 of 1989 for the offence punishable under Section 324 of the Indian Penal Code, the second petitioner was involved in Crime No.361 of 1997 for the offences punishable under Sections 448, 506, 324 read with 34 of the Indian Penal Code also. The first and second petitioners were acquitted in the cases against Crime No.127 of 1989, but the case in Crime No.361 of 1997 against the second petitioner is pending trial before the II Additional Judicial First Class Magistrate, Rajahmundry in C.C. No.20 of 1998. In view of their involvement in unlawful activities and by forcibly settling the disputes exhibiting zulum against the weaker sections of the society, proposals were sent to the Superintendent of Police, Kakinada, East Godavari District seeking permission to reopen the rowdy sheet but the same was not opened.

To avoid such an opening of rowdy sheet, the petitioners filed the present writ petition. It is specifically denied that the petitioners were called to the Police Station and were detained in the Police Station as alleged in the writ petition.

Though the counter affidavit was filed in June, 1999 so far no reply affidavit has been filed contraverting the fact that the petitioners had never been called and detained in the Police Station as alleged in the writ petition. In view of the same, the submission made by the learned counsel for the petitioners that the Police have been unnecessarily harassing the petitioners cannot be accepted. However, it is made clear that the respondents cannot call the petitioners to Police Station unless they are required for the purpose of investigation of any case registered against them, and should not interfere with the personal liberty of the petitioners nor call and detain them in the Police Station.

Accordingly, the writ petition is dismissed. No costs.

16th June, 2004. ASSISTANT REGISTRAR

ys //TRUE COPY//

SECTION OFFICER

To

1. The District Superintendent of Police, Kakinada,
   East Godavari District.

2. The Deputy Superintendent of Police,
   Rajahmundry, East Godavari District.

3. The Sub-Inspector of Police, I Town P.S. Law & Order,
   Rajahmundry, East Godavari District.

4. Two CCs to the Government Pleader for Home, High Court Buildings,
   Andhra Pradesh, Hyderabad. (O.U.T)

5. Two C.D. copies.